

BOARD OF FORESTRY AND FIRE PROTECTION PROFESSIONAL FORESTERS REGISTRATION

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Professional Foresters Examining Committee

OPEN SESSION MEETING MINUTES

Held: August 23, 2018

Resources Building, 1416 9th Street
16th Floor Conference Room
Sacramento, California

Members Present:

Kim Rodrigues
Frank Mulhair
James Hawkins
Bill Snyder
Jerry Jensen
Larry Forero

Staff Participating:

Dan Stapleton, Acting Executive Officer
Shuhani Patel, Assistant to the Executive Officer

Rancho Guejito:

Taiga Takahashi

CLFA:

Ricky Shurtz

Cal Pac SRM

Susan Marshall (webinar)

1. Approval of Open Session Minutes of June 7, 2018 Minutes.

Minutes will be postponed until next PFEC meeting.

2. Reports from the Chairman and Executive Officer.

EO Stapleton discussed his continuous efforts of outreach to CA Conservation Corp and central/southern regions. He mentioned that 12 new applicants will be sitting in for the October exam. The April 2019 exam has already been created by the Master Examiner.

EO stated that a new grader bid was submitted by Jeff Webster but could not accept the bid as the bid amount was too high and exceeded budget. George (YG) Gentry has indicated he may submit a bid for exam grader.

3. Introduction to new PFEC industry members James Hawkins and Frank Mulhair.

EO stated that Frank Mulhair has worked at SPI in the Sierra-Nevada since 2003. He worked for Mendocino Redwood in northern California prior to that beginning his career in 1995. He is a former President of CLFA and has been a member since 2008.

Jim Hawkins has worked for Green Diamond Resource Company as a Forestry Manager since 2006 and started his career in 1991 as a consulting forester in northern California.

4. Discussion of draft amendments/adoptions to Regulations of Professional Foresters Rules 1600-1651 et. Seq. and draft Initial Statement of Reasons (ISOR).

EO presented changes and clarifications to the draft plead and ISOR for RPF and CRM regulations. Most changes involving insertion of "certified specialist", "CRM" or "certificant" throughout the rule text where appropriate for clarification. Other changes include language clarifying the structure of the professional society program and the role it plays in reviewing applicants and the PFECs role in discipline once the applicants are registered. Additional sections include 1611.5 informing registrants of the limitations to RPF and CRM regulations and statutes and the existence of other California regulations that may apply to the registrant should RPF and CRM discipline not be applicable. Additional sections also contain language requiring the CRM to provide the Office of Foresters Registration evidence of good standing with the professional society at renewal and to clarify that evidence of fraud, or deceit in the application for a CRM license is an offense that uniformly applies in the disciplinary regulations to both CRM and RPF.

Bill - section 1611.5, should this be in guidance and not in regulation? Can this be subject to renewal? Talk to counsel about re-issue of licenses.

Taiga – 1611.5 This section is fine but just a re-statement that may be more appropriate for guidance and does not need to be in regulation as it has no practical implementation. If it were referenced to initial or renewal licensing requirements it would have practical effect.

Bill - Is it appropriate to have a self-certification piece. Could that be in a check list for renewals? Is there something in CRM process for renewal to allow 778 (C) application?

Taiga – Does 1650 (C)(2) include renewals? In 1650 (C)(3) who makes determination? Can we have the Board require self-certification?

Bill – 1650 (F) needs an intermediate step. Provided notice. How are outside documents referenced in regulation? What are OAL requirements?

Kim – What needs to be included if referenced?

Bill – I am good with the language, including the advisory language for non-Board regulations.

Larry Motioned that PFEC meet in next 30 to 45 days to review public comment and get clarification from counsel if so desired.

8-23-01 Forero moved for the above action. Member Snyder seconded.

Roll Call: Rodrigues (Aye); Mulhair (Aye); Hawkins (Aye); Forero (Aye); Synder (Aye) Jensen (Aye). Motion carries unanimously.

5. Review of draft Initial Statement of Reasons (ISOR) for renewal fee changes and Emeritus Limited License. Possible action item.

Members discussed the renewal fees and merit license for RPFs who have at least 25 years of qualifying experience. Under this status, RPFs would be able to do limited things except sign THP or legal documents. Discussion was made to keep the merit license fee at the current renewal rate of \$190.00. RPFs under this license would still be able to give guidance and advice.

EO stated that RPF license #2500 and below would have around 25 years of qualifying experience.

Members discussed to change the merit license type to higher the amount of qualifying experience from 25 years to 30 years.

Snyder mentioned that at least 10% of licenses will be lost with merit license type.

Second, what about penalties for getting back in game? Should it be for a limited period or for the entire time gone?

Bill – There is a capacity issue here for foresters to engage in work. The fee increase is going to be a big deal. We need to use necessity for justification.

Kim – We need outreach to help keep the license fund solvent. We need a clearly defined emeritus license. We need to go for what we know and an analysis for a cutoff point.

Bill Snyder – motions to move this forward based on 25 years as a registrant to include all functions of a Registered Professional Forester except signing documents related to those projects subject to Discretionary review.

Ricky Shurtz (CLFA) – Supports having emeritus holders pay back fees for the whole emeritus period if renewing back to active RPF.

Eric Hedge (Cal Fire) - We need to consider the Forest Practices Act and how these regulations would affect them.

Kim - We need to move forward with legal review.

Jim Hawkins -Needs more review, we do not want to change the FPA.

Bill – Withdraws motion.

Member Rodrigues discussed that more legal review is needed before moving forward. She would like to see legal support and address budgetary needs. She would support anything that does not change Forest Practice rules.

Adjourn.